

From: Rumrill.Nancy@epamail.epa.gov
Sent: Friday, June 18, 2010 2:09 PM
To: John Anderson
Cc: Albright.David@epamail.epa.gov; Carrolette Winstead
Subject: Re: Curis Resources (Arizona) Inc. proposed Florence Copper Project

Dear Mr. Anderson,

Thank you for letting us know about your concerns. In one of your previous e-mails, you mentioned some waste concerns. Arizona Dept of Environmental Quality (ADEQ) regulates the waste management activities related to the copper production facility at the site. Let me know if you would like a contact number for them.

Our program does regulate solution mining injection wells (also known as Class III Injection wells) to protect underground sources of drinking water (USDW - see 40 Code of Federal Regulations (CFR)§144.3 for the definition) under the authority of the Federal Safe Drinking Water Act. EPA issued a Class III UIC permit for the site to Bhp Copper, Inc. in 1997. The permit is an Area Permit (see 40 CFR §144.33) to construct and operate injection and recovery wells within the mine area for purposes of in-situ solution mining copper and mining zone restoration at depths greater than 40 ft below the top of the copper oxide formation. In addition, there is an aquifer exemption in the permit (pursuant to 40 CFR §146.4) to 500 feet beyond the mine area within the property and 200 feet above the oxide zone. The extent of the aquifer exemption is in the permit file and can be made available to you. The specific permit conditions are written to ensure protection of the adjacent USDWs, as well as restoration of the exempted aquifer.

Monitoring requirements in the permit have also been established to monitor for regulated contaminants, including 31 Point Of Compliance (POC) wells surrounding the facility (many of these are downgradient of ground water flow) established by ADEQ's permit and used as monitoring wells under the federal permit. I can scan a copy of the permit for sending an electronic copy to you.

My office at EPA has a request from Curis Resources (Arizona), Inc. (Curis) for transferring the permit to them as the new owner and operator of the facility. This transfer of the permit is allowable under the federal requirements in 40 CFR §144.38. The permit was transferred once in 2001 from Bhp Copper to Merrill Mining. We are evaluating whether Curis's proposed in-situ solution mining activity will differ from the already permitted activity, and we will make a decision on the permit transfer in consideration of the information that Curis has submitted. This process of transferring the permit is not likely to include a public participation process. In the near future, Curis will need to apply for a major modification to the permit to cover changing operations at the site, and EPA will evaluate that application and provide public notice, comment, and opportunity for a public hearing. I will put you on our mailing list for public notice in the future.

EPA does have approximately 39 files on this facility, including pre-1997 extensive UIC evaluation of the injection activity to ensure adequate protection of ground water, compliance monitoring records, and current correspondence between EPA and Curis. If there is specific documents or information you would like to request under the Freedom of Information Act, I can provide you instructions on how to make that official request. Also, I would be happy to answer any specific questions that you have about the site, or more questions about our regulatory process. Please call me at the number listed below. I also appreciate any information that you may want to share with us at this time.

Sincerely, Nancy

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Nancy Rumrill  
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415-972-3293  
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From: "John Anderson" <jla@johnlanderson.com>  
To: Nancy Rumrill/R9/USEPA/US@EPA  
Cc: "Carrollette Winstead" <cw6@azdeq.gov>, <doczhivago@aol.com>, "Karen Smith" <ksmith@azwater.gov>  
Date: 06/18/2010 11:22 AM  
Subject: Curis Resources (Arizona) Inc. proposed Florence Copper Project

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I have accumulated sufficient data to disallow any further actions or approvals of applications for the Florence (AZ) Copper Project as proposed by Curis Resources. Attached are three documents which substantiate the disallowance of this project. The first document is the EPA's Copper Mining and Production Wastes Radiation Protection US EPS.htm: <http://www.epa.gov/rpdweb00/tenorm/copper.html>, a listing of Registered Wells within 3 miles of the proposed mining site, and a copy of a map showing the wells surrounding the site: <https://gisweb.azwater.gov/WellRegistry/Default.aspx>.

Page 6 of the EPA article states:

"In Arizona, in-situ projects typically require a joint EPA-ADEQ permitting process. EPA issues a federally-administered Class III Underground Injection Control (UIC) permit and an aquifer exemption permit that focus on the subsurface injection and restoration activities. ADEQ initiates an Aquifer Protection Permit Application (APPA) process that focuses on both subsurface activities and the surface facilities and impoundments.

Newly proposed in-situ operations must meet both of the following two criteria for an aquifer exemption:

1. **the aquifer must not currently serve as a source of drinking water** and the permit applicant must demonstrate that the deposit contains minerals that are expected to "New Mexico, Arizona, Colorado, and California require groundwater monitoring for tailings piles.

2. be commercially producible.

The permit covers the construction, operation, and eventual closure of the injection and recovery wells system and surface facilities and impoundments. The permit also defines the lateral and vertical boundaries of the proposed aquifer exemption."

The Arizona Department of Water Resources well registration documents show 186 wells registered within three (3) miles of the proposed location and at similar depths as the Curis proposed In-situ wells. Also the applicant has not demonstrated that the deposit contains minerals that are expected by Arizona requirements for groundwater monitoring for tailing piles.

I am not sure, at this point, as to who I should be addressing these issues. I have not gotten any response from the EPA nor has State of Arizona show any great concern in this project.

In all fairness to Curis, I would like to see a position from the EPA and the State of Arizona before more monies are spent by Curis in the development of this project and/or legal fees to pursue this venture.

Regards,

John L. Anderson  
2631 N. Presidential Dr.  
Florence, AZ 85132-6671

[attachment "Copper Mining and Production Wastes Radiation Protection US EPA.htm" deleted by Nancy Rumrill/R9/USEPA/US] [attachment "Registered Wells within 3 miles.xls" deleted by Nancy Rumrill/R9/USEPA/US]  
[attachment "Well Map.JPG" deleted by Nancy Rumrill/R9/USEPA/US]